

and by Section 3(f)(3) of the Department of Transportation Act (80 Stat. 932) [former 49 U.S.C. 1652(f)(3)], it is hereby ordered that the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718, 943) [formerly 15 U.S.C. 1381 et seq.], shall be carried out through the National Highway Safety Bureau and the Director thereof.

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§ 30102. Definitions

(a) GENERAL DEFINITIONS.—In this chapter—

(1) “dealer” means a person selling and distributing new motor vehicles or motor vehicle equipment primarily to purchasers that in good faith purchase the vehicles or equipment other than for resale.

(2) “defect” includes any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment.

(3) “distributor” means a person primarily selling and distributing motor vehicles or motor vehicle equipment for resale.

(4) “interstate commerce” means commerce between a place in a State and a place in another State or between places in the same State through another State.

(5) “manufacturer” means a person—

(A) manufacturing or assembling motor vehicles or motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

(6) “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(7) “motor vehicle equipment” means—

(A) any system, part, or component of a motor vehicle as originally manufactured;

(B) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle; or

(C) any device or an article or apparel (except medicine or eyeglasses prescribed by a licensed practitioner) that is not a system, part, or component of a motor vehicle and is manufactured, sold, delivered, offered, or intended to be used only to safeguard motor vehicles and highway users against risk of accident, injury, or death.

(8) “motor vehicle safety” means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.

(9) “motor vehicle safety standard” means a minimum standard for motor vehicle or motor vehicle equipment performance.

(10) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(11) “United States district court” means a district court of the United States, a United

States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

(b) LIMITED DEFINITIONS.—(1) In sections 30117(b), 30118–30121, and 30166(f) of this title—

(A) “adequate repair” does not include repair resulting in substantially impaired operation of a motor vehicle or motor vehicle equipment;

(B) “first purchaser” means the first purchaser of a motor vehicle or motor vehicle equipment other than for resale;

(C) “original equipment” means motor vehicle equipment (including a tire) installed in or on a motor vehicle at the time of delivery to the first purchaser;

(D) “replacement equipment” means motor vehicle equipment (including a tire) that is not original equipment;

(E) a brand name owner of a tire marketed under a brand name not owned by the manufacturer of the tire is deemed to be the manufacturer of the tire;

(F) a defect in original equipment, or noncompliance of original equipment with a motor vehicle safety standard prescribed under this chapter, is deemed to be a defect or noncompliance of the motor vehicle in or on which the equipment was installed at the time of delivery to the first purchaser;

(G) a manufacturer of a motor vehicle in or on which original equipment was installed when delivered to the first purchaser is deemed to be the manufacturer of the equipment; and

(H) a retreader of a tire is deemed to be the manufacturer of the tire.

(2) The Secretary of Transportation may prescribe regulations changing paragraph (1)(C), (D), (F), or (G) of this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 941.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30102(a)(1) ..	15:1391(7).	Sept. 9, 1966, Pub. L. 89–563, §102(1)–(3), (5)–(9), (11), (12), 80 Stat. 718, 719.
	15:1391(10).	Sept. 9, 1966, Pub. L. 89–563, §102(10), 80 Stat. 718; re-stated Oct. 27, 1974, Pub. L. 93–492, §110(a), 88 Stat. 1484.
	49 App.:1655(a)(6)(A).	Oct. 15, 1966, Pub. L. 89–670, §6(a)(6)(A), 80 Stat. 938.
30102(a)(2) ..	15:1391(11).	
30102(a)(3) ..	15:1391(6).	
30102(a)(4) ..	15:1391(9).	
30102(a)(5) ..	15:1391(5).	
30102(a)(6) ..	15:1391(3).	
30102(a)(7) ..	15:1391(4).	Sept. 9, 1966, Pub. L. 89–563, §102(4), 80 Stat. 718; re-stated May 22, 1970, Pub. L. 91–265, §2, 84 Stat. 262.
30102(a)(8) ..	15:1391(1).	
30102(a)(9) ..	15:1391(2).	
30102(a)(10) ..	15:1391(8).	
30102(a)(11) ..	15:1391(12).	
30102(b)	15:1419.	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §159; added Oct. 27, 1974, Pub. L. 93–492, §102(a), 88 Stat. 1476.

In subsection (a), the definitions apply to the entire chapter because of references in 15:1421–1431 applying 15:1391–1420 to 15:1421–1431. Before clause (1), the words “As used” are omitted as surplus. In clause (1), the text of 15:1391(10) and 49 App.:1655(a)(6)(A) is omitted as sur-

plus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. The words “selling and distributing” are substituted for “who is engaged in the sale and distribution of” to eliminate unnecessary words. The word “purposes” is omitted as surplus. In clause (3), the words “selling and distributing” are substituted for “engaged in the sale and distribution of” to eliminate unnecessary words. In clause (5)(A), the words “manufacturing or assembling” are substituted for “engaged in the manufacturing or assembling of” to eliminate unnecessary words. In clause (7), the words “physician or other duly” and “drivers, passengers, and other” are omitted as surplus. In clause (8), the words “is also protected” and “to persons” are omitted as unnecessary. In clause (9), the words “which is practicable, which meets the need for motor vehicle safety and which provides objective criteria” are omitted as unnecessary because of 15:1392(a) which is restated in section 30111 of the revised title. In clauses (10) and (11), the words “the Northern Mariana Islands” are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94-241, 90 Stat. 268), and as proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593). The words “the Canal Zone” are omitted because of the Panama Canal Treaty of 1977. In clause (10), the word “means” is substituted for “includes” as being more appropriate. The words “a State of the United States” are substituted for “each of the several States” for consistency. The words “the Commonwealth of” are omitted as surplus. In clause (11), the word “Federal” is omitted as surplus. The words “of the Commonwealth of Puerto Rico” are omitted as unnecessary because the district court of Puerto Rico is a district court of the United States under 28:119.

In subsection (b)(1), before clause (A), the words “The term” and “the term” are omitted as surplus. In clause (B), the words “of a motor vehicle or motor vehicle equipment” are added for clarity. In clause (E), the words “to be” are added for consistency. The words “marketed under such brand name” are omitted as surplus. In clause (F), the words “a motor vehicle safety standard prescribed under this chapter” are added for clarity and consistency. The word “noncompliance” is substituted for “failure to comply” for consistency in the chapter. In clause (G), the words “(rather than the manufacturer of such equipment)” are omitted as surplus. The words “deemed to be” are substituted for “considered” for consistency. In clause (H), the words “which have been” are omitted as surplus.

Subsection (b)(2) is substituted for “Except as otherwise provided in regulations of the Secretary” for clarity and because of the restatement.

LOW-SPEED ELECTRIC BICYCLES

Pub. L. 107-319, § 2, Dec. 4, 2002, 116 Stat. 2776, provided that: “For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act [15 U.S.C. 2085(b)]) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.”

§ 30103. Relationship to other laws

(a) **UNIFORMITY OF REGULATIONS.**—The Secretary of Transportation may not prescribe a safety regulation related to a motor vehicle subject to subchapter I of chapter 135 of this title that differs from a motor vehicle safety standard prescribed under this chapter. However, the Secretary may prescribe, for a motor vehicle operated by a carrier subject to subchapter I of chapter 135, a safety regulation that imposes a higher standard of performance after manufac-

ture than that required by an applicable standard in effect at the time of manufacture.

(b) **PREEMPTION.**—(1) When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. However, the United States Government, a State, or a political subdivision of a State may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under this chapter.

(2) A State may enforce a standard that is identical to a standard prescribed under this chapter.

(c) **ANTITRUST LAWS.**—This chapter does not—

(1) exempt from the antitrust laws conduct that is unlawful under those laws; or

(2) prohibit under the antitrust laws conduct that is lawful under those laws.

(d) **WARRANTY OBLIGATIONS AND ADDITIONAL LEGAL RIGHTS AND REMEDIES.**—Sections 30117(b), 30118–30121, 30166(f), and 30167(a) and (b) of this title do not establish or affect a warranty obligation under a law of the United States or a State. A remedy under those sections and sections 30161 and 30162 of this title is in addition to other rights and remedies under other laws of the United States or a State.

(e) **COMMON LAW LIABILITY.**—Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 943; Pub. L. 104-88, title III, § 308(j), Dec. 29, 1995, 109 Stat. 947.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30103(a)	15:1392(g).	Sept. 9, 1966, Pub. L. 89-563, §§ 103(g), 105(a)(6), 116, 80 Stat. 720, 721, 727.
30103(b)	15:1392(d).	Sept. 9, 1966, Pub. L. 89-563, § 103(d), 80 Stat. 719; Oct. 15, 1982, Pub. L. 97-331, § 3, 96 Stat. 1619.
30103(c)	15:1405.	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §§ 124(e), 160; added Oct. 27, 1974, Pub. L. 93-492, §§ 102(a), 106, 88 Stat. 1477, 1481.
30103(d)	15:1394(a)(6). 15:1410a(e).	
30103(e)	15:1420. 15:1397(k).	Sept. 9, 1966, Pub. L. 89-563, § 108(k), 80 Stat. 723; Oct. 31, 1988, Pub. L. 100-562, § 2(b), 102 Stat. 2818.

In subsection (a), the words “or the Transportation of Explosives Act, as amended (18 U.S.C. 831-835)” are omitted as obsolete because 18:831-835 have been repealed. The word “prescribe” is substituted for “adopt” for consistency. The words “or continue in effect” and “In prescribing safety regulations” are omitted as surplus. The word “prescribed” is substituted for “issued” for consistency. The words “to comply” and “Federal” are omitted as surplus. The words “in effect” are added for clarity.

In subsection (b)(1), the word “Federal” is omitted as surplus. The word “prescribe” is substituted for “either